

UNITED STATES DISTRICT COURT FOR THE
DISTRICT OF NEW HAMPSHIRE

Kenneth H. Hart

v.

Civil No. 11-cv-002-JD

New Hampshire State Prison

O R D E R

Kenneth H. Hart, proceeding pro se, filed a complaint on November 8, 2010, seeking an injunction against the Hillsborough County North Superior Court. Hart did not pay the filing fee. On January 4, 2011, the clerk of court sent Hart a notice that he was required to pay the filing fee or move for in forma pauperis status and forwarded the appropriate forms for in forma pauperis status. The notice also explained to Hart that his "action will not be considered a civil case or any action taken until the appropriate fee has been received or in forma pauperis status has been granted."

Hart did not pay the fee or move for in forma pauperis status. Instead, he filed several motions and an addendum to his complaint. On January 13, 2011, the magistrate judge granted Hart's motion, in part, in which he sought copies of his complaint in this action and copies of his other filings. Those were sent to him on January 14, 2011.

On March 21, 2011, after the time for paying the fee or moving for in forma pauperis status had expired, the magistrate judge issued a report and recommendation that Hart's action be dismissed and that his pending motions be denied as moot. The report and recommendation was approved on April 5, 2011. Judgment entered on April 15, 2011.

Hart filed a motion seeking three application packets for in forma pauperis status, which the magistrate judge granted. The application packets were sent on April 15, 2011.

Hart also filed a motion for "findings and rulings of laws" pertaining to the court's order that approved the magistrate judge's recommendation to dismiss the action. Hart states that he did not receive the notice from the clerk of court pertaining to the filing fee and the application packet for in forma pauperis status. Hart does not specify what findings and rulings he is seeking.

The court sent Hart three packets of in forma pauperis application materials on April 15, 2011. Therefore, even if Hart did not receive those materials in January when they were sent to him, he has them now. Hart will be given one final opportunity to file the required motion and materials for in forma pauperis status in this action. If the in forma pauperis motion, with all required supporting materials, is received by the court **on or**

before May 10, 2011, it will be considered, and if granted, the case will be reopened. If not, the case will remain closed.

Conclusion

For the foregoing reasons, the plaintiff's motion for findings and rulings (document no. 20) is granted to the extent that the plaintiff is given a final opportunity to comply with the filing fee requirement and is otherwise denied.

The plaintiff shall file a motion, with the required materials, for in forma pauperis status **on or before May 10, 2011**. If a properly supported motion is received and granted, the case will be reopened. If the plaintiff fails to file a properly supported motion or if a motion is filed but not granted, the case will not be reopened.

SO ORDERED.



Joseph A. DiClerico, Jr.
United States District Judge

April 19, 2011

cc: Kenneth H. Hart #73581, pro se